

The motion prevailed by the following vote: Yeas 15, Nays 14.

Yeas: Adams, Aikin, Andujar, Creighton, Farabee, Hance, Harris, Jones, Lombardino, McKinnon, Meier, Moore, Patman, Snelson and Traeger.

Nays: Braecklein, Brooks, Clower, Doggett, Gammage, Harrington, Kothmann, Longoria, Mauzy, Ogg, Santiesteban, Schwartz, Sherman and Williams.

Absent-excused: McKnight and Mengden.

Accordingly, the Senate at 12:17 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

(April 28, 1975)

S.B. 143
S.B. 153
S.B. 229
S.B. 264
S.B. 308
S.B. 654
S.B. 687
S.C.R. 17

SIXTY-SECOND DAY

(Tuesday, April 29, 1975)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

A quorum was announced present.

The Reverend Kenneth Phillips, First United Pentecostal Church, Austin, Texas, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator McKnight was granted leave of absence for today on account of illness on motion of Senator Moore.

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following reports for the Committee on Human Resources:

S.B. 203

S.B. 725 (Amended)

H.B. 916

C.S.S.B. 343 (Read first time)

Senator Moore submitted the following reports for the Committee on State Affairs:

S.C.R. 30

S.B. 722

SENATE BILLS AND RESOLUTIONS ON FIRST READING

By unanimous consent the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Ogg:

S.B. 1072, A bill to be entitled An Act amending Section 1 of Acts 1967, 60th Legislature, page 852, Chapter 361 (codified as Article 1650a, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Adams:

S.B. 1073, A bill to be entitled An Act relating to telecommunication services for state agencies, boards, commissions, departments, and institutions; and declaring an

emergency.

To Committee on Administration.

By Senator Schwartz:

S.C.R. 57, Granting Walter E. and Dorothy E. Gundermann permission to sue the State of Texas.

To Committee on Administration.

By Senator Meier:

S.R. 469, Instructing Senate Jurisprudence Committee to form a subcommittee to evaluate effectiveness of legislation passed by 64th Legislature and to study need for additional legislation to promote continued improvement of criminal justice system of State of Texas.

To Committee on Administration.

By Senator Meier:

S.R. 470, Providing for creation of special interim committee to study death penalty statute and make clear constitutional guidelines needed in carrying out its execution.

To Committee on Administration.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, April 29, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Vote reconsidered on: **H.B. 611**: Validating the consolidation of certain cities and the governmental proceedings of the consolidated cities, subject to certain conditions; and declaring an emergency. Finally passed by record vote of 117 Ayes, 0 Nays.

All necessary rules suspended and the Conference Committee Report on Senate Bill 278 adopted by record vote of 112 Ayes, 14 Nays, Present-Not voting 1.

All necessary rules suspended, and the Conference Committee Report on House Bill 784 adopted by a non-record vote.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
April 29, 1975

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask advice, consent and confirmation of the Senate with respect to the following appointment:

To be District Judge of the 69th Judicial District of Texas, Deaf Smith, Oldham, Moore, Hartley, Sherman and Dallam Counties until the next general election and until his successor shall be duly elected and qualified: The Honorable Michael P. Metcalf of Dumas, Moore County is replacing Judge Archie S. McDonald of Dumas, Moore County who is deceased.

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of The Texas College and University System Coordinating Board: For a six-year term to expire August 31, 1975: Mr. R. Paul Teague, Sr. of Texas City, Galveston County is replacing Mr. Loren Bryce Meaders of Dallas, Dallas County who resigned.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

BILL SIGNED

The President announced the signing in the presence of the Senate after the caption had been read the following enrolled bill:

H.B. 1633

SENATE BILL 243 WITH HOUSE AMENDMENTS

Senator Ogg called **S.B. 243** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

AMENDMENT NO. 1

Amend **S.B. 243**, Second Printing, Section 3(g), on page 6, line 26, by amending that line 26 as follows:

"to be required~~[,]~~ or necessary ~~[, or convenient]~~ for medical care,"

AMENDMENT NO. 2

Amend **S.B. 243**, Second Printing, by adding a new Subsection (j) to Section 7 as follows:

"(j) Nothing in this Act shall supercede the provisions of the state certificate of need law."

AMENDMENT NO. 3

Amend **S.B. 243**, Second Printing, Section 20, page 24, line 11, by striking the word "may" which appears on that line and substituting therefor the word "shall".

AMENDMENT NO. 4

Amend Senate Bill 243, First Printing, page 9, line 27, by adding after the word "project" and before the word "in" the following:

"or any operating cost of such hospital project".

AMENDMENT NO. 5

Amend Senate Bill 243, First Printing, page 17, as follows:

Line 19 - strike the number "10" and substitute the number "5".

Line 20, change to read - "percent or 20,000 of the qualified electors of the issuer, whichever is less, shall file a".

AMENDMENT NO. 6

Amend **S.B. 243**, Second Printing, Section 7, on page 16, beginning on line 5 by amending the sentence which begins on that line, as follows:

"The issuer ~~[may, but is not required to,]~~ shall submit such interim receipts or temporary bonds or notes to the Attorney General of Texas in accordance with Subsection (i) of this Section 7."

AMENDMENT NO. 7

Amend **S.B. 243**, Second Printing, Section 3(g), on page 8, Subparagraph (7) as follows:

"(7) any other structure, facility, or equipment related to, ~~[convenient to, useful for,]~~ or essential to, the operation of any health facility or system except that a hospital project shall not include any nursing home licensed as such, or which would be required to be licensed as such, ~~[by the Texas State Department of Public Health]~~ under the authority of the State of Texas."

AMENDMENT NO. 8

Amend **S.B. 243**, Second Printing, Section 4, or, page 9, beginning on line 8 by amending the sentence which begins on that line, as follows:

"No money of the State of Texas or any political subdivision or agency of this State, whether raised from taxation or any other source, except for revenue of the hospital project being financed with the bonds, ~~[money raised or to be raised from taxation]~~ shall ever be used to pay the principal of, redemption premium, if any, or interest on any revenue bonds or notes or refunding bonds or notes issued under this Act."

AMENDMENT NO. 9

Amend **S.B. 243**, Second Printing, Section 7(j), on page 16, line 22, by striking the word "may" which appears on that line 22 and substituting therefor the word "shall".

AMENDMENT NO. 10

Amend **S.B. 243**, Second Printing, Section 8, on page 17, beginning on line 15, by striking the word "once" and substituting therefor the words "three times"; and on page 17, beginning on line 17, by striking the sentence which begins on that line, and substituting therefor the following:

"The first publication shall be made not more than 45 days prior to the tentative date fixed in such resolution and the third publication shall be made not less than 10 days prior to the tentative date fixed in such resolution for the authorization of the bonds or notes."

AMENDMENT NO. 11

Amend **S.B. 243**, Second Printing, Section 9, on page 18, line 7, by striking the word "once" and substituting therefor the words "three times"; and on lines 8, 9, and 10 by striking the sentence which begins on line 8 and substituting therefor the following:

"The first publication shall be made not more than 45 days prior to the date fixed for such election, and the third publication shall be made not less than 10 days prior to the date fixed for such election.";

and by adding the following at the end of Section 9:

"No election shall again be called on the proposition of issuing revenue bonds or notes for any hospital project which has been defeated by a majority of the voters voting in an election within six months of the proposed new election, and no bonds or notes shall be issued for any such hospital project until a majority of the voters voting in an election held for that purpose approve the issuance of such bonds or notes."

AMENDMENT NO. 12

Amend **S.B. 243**, Second Printing, Section 21, on page 24, beginning on line 18,

by striking that Section 21 in its entirety.

AMENDMENT NO. 13

Amend **S.B. 243**, Second Printing, Section 22, on page 25, beginning on line 4, by striking that Section 22 in its entirety, as follows:

~~"Sec. 22. Nothing in this Act shall be construed to violate any provision of the United States or state constitutions, and all acts done under this Act shall be in such manner as will conform thereto, whether expressly provided or not. Where any procedure hereunder may be held by any court to be violative of either of such constitutions, the issuer shall have the power by resolution to provide an alternative procedure conformable with such constitutions."~~

AMENDMENT NO. 14

Amend **S.B. 243**, Second Printing, Section 19, page 23, line 16, by striking the words appearing on that line in their entirety and substituting therefor the following:

"Sec. 19. If the bonds and notes issued under this Act meet the criterion for investments as established in other laws of the State of Texas or United States, then the bonds and notes issued under this Act shall be".

AMENDMENT NO. 15

Amend **S.B. 243**, Second Printing, Section 7, on page 17 by adding a new paragraph (k) to read as follows:

"(k) Before authorizing the issuance of any bonds or notes or calling an election on any matters authorized by this Act, the issuer shall deposit with the chief administrative officer of the issuer a full and complete description of any proposed hospital project, including a detailed listing and explanation of projected costs, the reasons for the hospital project, and the names of the owners of the non-profit corporation for whom the hospital project is to be constructed. All of the information deposited or required to be deposited by this section is public information."

AMENDMENT NO. 16

Amend **S.B. 243**, Second Printing, Section 19, on page 23, beginning on line 16, by striking that line and adding:

"Unless the bonds and notes issued under this Act are ineligible for investments in accordance with the criterion established in other statutes, rulings, or regulations of the State of Texas or the United States, then the bonds and notes under this Act shall be...."

The House amendments were read.

Senator Ogg moved to concur in House amendments.

The motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 278

Senator Snelson submitted the following Conference Committee Report:

Austin, Texas
April 28, 1975

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 278** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

SNELSON
BROOKS
ANDUJAR
MEIER
LONGORIA
On the part of the Senate

CALDWELL
NABERS
DONALDSON
DENTON
HUBENAK
On the part of the House

S.B. 278,

"A BILL TO BE ENTITLED

AN ACT

relating to the increase of membership on the Texas Youth Council; amending Subsections (a), (b) and (d), Section 4, and Subsection (c), Section 5, Chapter 281, Acts of the 55th Legislature, Regular Session, 1957 (Article 5143d, Vernon's Texas Civil Statutes); providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Subsections (a), (b) and (d), Section 4, Chapter 281, Acts of the 55th Legislature, Regular Session, 1957 (Article 5143d, Vernon's Texas Civil Statutes), are amended to read as follows:

"(a) There is hereby created a Texas Youth Council to consist of six (6) ~~three (3)~~ members to be appointed by the Governor with the consent of the Senate. Members of the Texas Youth Council shall be citizens in their respective communities who are recognized for their interest in youth. ~~[Citizens of Texas now serving as members of the State Youth Development Council may be eligible for appointment to the Texas Youth Council.]~~"

"(b) The term of office of members of the Texas Youth Council shall be six (6) years ~~[except that initially one (1) year term; and one (1) member for a two (2) year term]~~. Members shall be eligible for reappointment. A vacancy for an unexpired term shall be filled by the Governor with the consent of the Senate. Members of the Youth Council shall each receive a per diem of thirty-five dollars (\$35.00) ~~ten dollars~~

~~(\$10.00)]~~ for not exceeding ninety (90) ~~[sixty (60)]~~ days for any fiscal year."

"(d) The Texas Youth Council shall hold meetings at the call of its Chairman, selected or elected by it, or at the request of four (4) ~~[any two (2)]~~ members at such times and places as its Chairman may determine, but it shall not hold less than four (4) meetings annually."

Section 2. Subsection (3), Section 5, Chapter 281, Acts of the 55th Legislature, Regular Session, 1957 (Article 5143d, Vernon's Texas Civil Statutes), is amended to read as follows:

"(e) For the exercise of other functions than those specified in subsection (c), four (4) ~~[two (2)]~~ members of the Texas Youth Council shall constitute a quorum."

Section 3. This Act takes effect on May 1, 1975.

Section 4. (a) The members of the Texas Youth Council whose terms have not expired on the effective date of this Act shall serve the terms for which they were appointed.

(b) For initial terms beginning on May 1, 1975, the Governor shall appoint three additional members to the Texas Youth Council. The persons appointed pursuant to this subsection shall be initially appointed to the following terms:

- (1) one member for a term which expires on August 31, 1979;
- (2) one member for a term which expires on August 31, 1977; and
- (3) one member for a term which expires on August 31, 1975.

Section 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in full force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent: Clower.

Absent-excused: McKnight.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 784

Senator Snelson submitted the following Conference Committee Report:

Austin, Texas
April 28, 1975

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H.B. 784 have met and had the same

under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

SNELSON
SHERMAN
ADAMS
JONES
FARABEE
On the part of the Senate

McBEE
WYATT
TANNER
GRANT
LARY
On the part of the House

The Conference Committee Report was read and was adopted.

CO-AUTHOR OF SENATE BILL 650

On motion of Senator Schwartz and by unanimous consent, Senator Doggett will be shown as Co-author of **S.B. 650**.

COMMITTEE SUBSTITUTE SENATE BILL 650 ON SECOND READING

The President laid before the Senate as unfinished business:

C.S.S.B. 650, A bill to be entitled An Act relating to prevention of discrimination in employment, public accommodations, education, and real property transactions; providing remedies, sanctions, and penalties, and declaring an emergency.

Question - Shall **C.S.S.B. 650** be passed to engrossment?

The bill was passed to engrossment by the following vote: Yeas 18, Nays 12.

Yeas: Braecklein, Brooks, Clower, Doggett, Gammage, Harrington, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Adams, Aikin, Andujar, Creighton, Farabee, Hance, Harris, Jones, Meier, Mengden, Moore and Patman.

Absent-excused: McKnight.

COMMITTEE SUBSTITUTE SENATE BILL 901 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 901, A bill to be entitled An Act relating to the competency of a defendant to stand trial in a criminal proceeding and relating to the insanity defense to criminal prosecution; amending the Code of Criminal Procedure, 1965, by amending Article 46.02, adding Article 46.03, and amending Article 42.07; and declaring an

emergency.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 901 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 901** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Moore.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

SENATE BILL 637 ON THIRD READING

Senator Gammage asked unanimous consent to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

S.B. 637, A bill to be entitled An Act relating to the inclusion of certain coverages in an insurance contract; and providing for endorsement; and declaring an emergency.

There was objection.

Senator Gammage then moved to suspend the regular order of business and take up **S.B. 637** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 8.

Yeas: Adams, Andujar, Brooks, Clower, Creighton, Doggett, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Moore, Ogg, Patman, Santiesteban, Schwartz, Traeger and Williams.

Nays: Aikin, Braecklein, Farabee, Jones, Meier, Mengden, Sherman and Snelson.

Absent-excused: McKnight.

The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 9.

Yeas: Adams, Andujar, Brooks, Clower, Creighton, Doggett, Gammage, Harrington, Harris, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Moore, Ogg, Patman, Santiesteban, Schwartz, Traeger and Williams.

Nays: Aikin, Braecklein, Farabee, Hance, Jones, Meier, Mengden, Sherman and Snelson.

Absent-excused: McKnight.

SENATE BILL 465 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 465, A bill to be entitled An Act relating to political activity of officers and employees of the State Department of Public Welfare; amending Section 31, The Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator McKinnon asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 465 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 465** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: McKinnon.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: McKinnon.

Absent-excused: McKnight.

SENATE BILL 520 ON SECOND READING

Senator Mauzy asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 520, A bill to be entitled An Act relating to the prohibition of certain forms of discrimination by public school boards; amending Section 21.901, Texas Education Code; and declaring an emergency.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up **S.B. 520** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 9.

Yeas: Adams, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Harrington, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger and Williams.

Nays: Aikin, Andujar, Hance, Harris, Jones, Meier, Mengden, Moore and Snelson.

Absent-excused: McKnight.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Mauzy offered the following Committee Amendment to the bill:

Amend **S.B. 520** by adding Subsection (f) to quoted Section 21.901, to read as follows:

“(f) No Texas public school board may purchase or agree to purchase personal property from a person, corporation, or other entity that shows a preference for a person, or category of persons, or otherwise discriminates, on the basis of race, sex, religion, or national origin. A contract by which a public school board agrees to purchase personal property is not valid unless the vendor certifies on the face of the contract that he has not discriminated against a person or category of persons on the

basis of race, sex, religion, or national origin."

The Committee Amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Aikin, Hance, Snelson, Adams and Mengden asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

MOTION TO PLACE SENATE BILL 520 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 520 be placed on its third reading and final passage.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members present): Yeas 21, Nays 8.

Yeas: Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Harrington, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger and Williams.

Nays: Adams, Aikin, Hance, Jones, Meier, Mengden, Moore and Snelson.

Absent: Harris.

Absent-excused: McKnight.

COMMITTEE SUBSTITUTE SENATE BILL 244 ON SECOND READING

Senator Ogg asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 244, A bill to be entitled An Act relating to the regulation of ambulance services and ambulance service personnel by the Emergency Medical Services Division of the State Department of Health; amending Section 172, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes); repealing Chapter 360, Acts of the 48th Legislature, Regular Session, 1943 (Article 4590b, Vernon's Texas Civil Statutes), and all laws and ordinances and parts of laws and ordinances in conflict with this Act; and declaring an emergency.

There was objection.

Senator Ogg then moved to suspend the regular order of business and take up **C.S.S.B. 244** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Harrington, Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden,

Ogg, Schwartz, Sherman, Snelson and Williams.

Nays: Adams, Aikin, Creighton, Hance, Jones, McKinnon, Moore, Patman, Santiesteban and Tracger.

Absent-excused: McKnight.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Ogg offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 244 by striking Section 8 (c) and inserting in lieu thereof, the following:

"(c) To qualify:

"(1) for a provisional emergency medical technician's certificate a person must have been an ambulance attendant on the effective date of this section and have been certified by the division in accordance with Chapter 360, Acts of the 48th Legislature, Regular Session, 1943 (Article 4590b, Vernon's Texas Civil Statutes). In order that such provisional emergency medical technician shall qualify as an emergency medical technician and be so certified, such person shall complete a refresher training course consisting of 24 hours of instruction and be so tested and certified by the division. If said provisional emergency medical technician fails to qualify, then he shall qualify as any other person attempting to qualify as an emergency medical technician. A provisional emergency medical technician's certificate shall be valid until January 1, 1978. The division shall extend provisional emergency medical certificates to insure ambulance service throughout the State. Any such extension shall not be discriminatory.

"(2) for an emergency medical technician's certificate a person must have completed a training program consisting of 120 hours of instruction on emergency medical treatment taught by an experienced and certified emergency medical technician under the supervision of a licensed physician, subject to an examination administered by the division. The training program must include instruction on cardiopulmonary resuscitation, the treatment of head, neck and spine injuries, the treatment of fractures; methods for extracting accident victims from wrecked vehicles; and participation in at least five emergency ambulance calls.

"(3) In order that any person maintain certification, including provisional emergency medical technicians after they qualify as emergency medical technicians, the division may require a person certified as an emergency medical technician to periodically participate in refresher training courses consisting of 24 hours of instruction every two years to insure that he maintains his skills and keeps his knowledge current.

"(4) The Department may issue a non-renewable provisional Emergency Attendant certificate to an individual who does not meet the requirements for certification as an Emergency Medical Technician (EMT) if the Department is satisfied that the applicant will qualify for certification during the term of the provisional certificate and that the issuance of the provisional certificate is in the public interest. The provisional certificate is valid for one year and may be renewed for a one-year period, not to exceed a total of two renewals. Such renewal shall be granted only upon a showing by the applicant of good faith efforts to comply with the requirements of this Act."

The amendment was read and was adopted.

Senator Ogg offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 244 by adding after the word "life" in Section 8 on line 4, page 3, the following:

"The division may grant a temporary waiver of the requirement that an ambulance, when transporting a patient, shall be occupied by at least two persons, provided that no temporary waiver may be granted unless the denial of a temporary waiver would result in undue hardships or denial of service in the area served by the ambulance service. When a temporary waiver is granted, each ambulance shall be occupied by one person, who meets the provisions of this Act."

The amendment was read and was adopted.

Senator Ogg offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 244 by adding after the word "Act." in Section 9 on line 63, page 3, the following:

"The Department may issue a provisional ambulance permit for an ambulance not meeting the Department's standards if it determines that the operation of the ambulance will be in the public interest and that the ambulance service will bring the ambulance into conformity with the Department's standards during the term of the provisional permit. A provisional ambulance permit is valid for one year and may be renewed for a one-year period, not to exceed a total of two renewals. Such renewal shall be granted only upon a showing of the applicant of good faith efforts to comply with the requirements of this Act."

The amendment was read and was adopted.

Senator Ogg offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 244 by adding after the word "hearing" in Section 17, line 14, page 6, the following:

", shall give all interested parties public notice thirty (30) days in advance of such hearing,".

The amendment was read and was adopted.

Senator Farabee offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 244, Section 13, by adding a Subsection (5) to read as follows:

"(5) Ambulances owned and operated by ambulance services located in and primarily serving counties of 25,000 population or less as determined by the last federal census."

The amendment was read.

Senator Creighton offered the following amendment to the pending amendment to the bill:

Amend the Farabee amendment by deleting the figure "25,000", and substituting in lieu thereof the figure "250,000".

The amendment to the pending amendment was read and failed of adoption by the following vote: Yeas 15, Nays 15.

Yeas: Adams, Aikin, Creighton, Farabee, Hance, Harris, Jones, Kothmann, McKinnon, Mengden, Moore, Patman, Sherman, Snelson and Traeger.

Nays: Andujar, Braecklein, Brooks, Clower, Doggett, Gammage, Harrington, Lombardino, Longoria, Mauzy, Meier, Ogg, Santiesteban, Schwartz and Williams.

Absent-excused: McKnight.

The President announced that he would vote "Nay" on the adoption of the amendment.

Senator Creighton offered the following amendment to the pending amendment to the bill:

Amend the Farabee amendment by deleting the figure "25,000" and substituting in lieu thereof the figure "200,000".

The amendment to the pending amendment was read and failed of adoption by the following vote: Yeas 15, Nays 15.

Yeas: Adams, Aikin, Creighton, Farabee, Hance, Harris, Jones, Kothmann, McKinnon, Mengden, Moore, Patman, Sherman, Snelson and Traeger.

Nays: Andujar, Braecklein, Brooks, Clower, Doggett, Gammage, Harrington, Lombardino, Longoria, Mauzy, Meier, Ogg, Santiesteban, Schwartz and Williams.

Absent-excused: McKnight.

The President announced that he would vote "Nay" on the adoption of the amendment.

Senator Creighton offered the following amendment to the pending amendment to the bill:

Amend the Farabee amendment by deleting the figure "25,000" and substituting in lieu thereof the figure "175,000".

The amendment to the pending amendment was read and failed of adoption by the following vote: Yeas 15, Nays 15.

Yeas: Adams, Aikin, Creighton, Farabee, Hance, Harris, Jones, Kothmann, McKinnon, Mengden, Moore, Patman, Sherman, Snelson and Traeger.

Nays: Andujar, Braecklein, Brooks, Clower, Doggett, Gammage, Harrington, Lombardino, Longoria, Mauzy, Meier, Ogg, Santiesteban, Schwartz and Williams.

Absent-excused: McKnight.

The President announced that he would vote "Nay" on the adoption of the amendment.

Question - Shall the pending amendment be adopted?

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Wednesday, April 30, 1975

H.B. 399 - Senator Moore
H.B. 532 - Senator Snelson
H.B. 558 - Senator Traeger (Third reading)
C.S.H.B. 589 - Senators Braecklein and Meier
H.B. 627 - Senator Andujar
C.S.S.B. 42 - Senator Moore
C.S.S.B. 69 - Senator Moore
S.B. 94 - Senator Schwartz
S.B. 96 - Senator Ogg
C.S.S.B. 109 - Senator Mauzy
C.S.S.B. 110 - Senator Mauzy
C.S.S.B. 163 - Senator Ogg (Third reading)
S.B. 196 - Senator Santiesteban (Third reading)
S.B. 199 - Senator Clower
S.B. 200 - Senator Clower
S.B. 237 - Senator Harris
C.S.S.B. 244 - Senator Ogg (Unfinished business)
C.S.S.B. 250 - Senator Mauzy
S.B. 254 - Senator Mauzy
S.B. 257 - Senator Mauzy
C.S.S.B. 270 - Senator Doggett
C.S.S.B. 293 - Senator Mauzy
C.S.S.B. 386 - Senator Schwartz
C.S.S.B. 397 - Senator Doggett
S.B. 407 - Senator Doggett
S.B. 423 - Senator Harris
S.B. 467 - Senator Harris
C.S.S.B. 468 - Senator Harris
S.B. 481 - Senator Traeger
S.B. 485 - Senator Farabee
S.B. 494 - Senator Clower
S.B. 495 - Senator Clower
S.B. 496 - Senator Mauzy (Third reading)
S.B. 502 - Senator Clower
S.B. 506 - Senator Clower
S.B. 520 - Senator Mauzy (Third reading)
S.B. 522 - Senator Santiesteban
C.S.S.B. 526 - Senator Harrington
S.B. 571 - Senator Ogg
S.B. 600 - Senator Gammage
C.S.S.B. 664 - Senator Doggett
S.B. 689 - Senator Gammage
C.S.S.B. 696 - Senator Santiesteban
C.S.S.B. 706 - Senator Mauzy
S.B. 708 - Senator Mauzy
S.B. 710 - Senator Mauzy
S.B. 719 - Senator Mauzy